

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

WILLIE DAVIS, JR., NATHANIEL BRIDDELL, )	
GEORGE W. FEDDIMAN, JOSEPH GARRISON, )	C. A. NO. 04-0414-SLR
LARRY E. GIBBS and ROY H. WALTERS, )	
)	JURY TRIAL DEMANDED
ALL SIMILARLY-SITUATED CURRENT AND )	
FORMER EMPLOYEES OF MOUNTAIRE )	COLLECTIVE ACTION
FARMS, INC., MOUNTAIRE FARMS OF )	
DELMARVA, INC., and MOUNTAIRE FARMS )	
OF DELAWARE, INC., )	
)	
Plaintiffs, )	
)	
v. )	
)	
MOUNTAIRE FARMS, INC., )	
MOUNTAIRE FARMS OF DELMARVA, INC., )	
and MOUNTAIRE FARMS OF )	
DELAWARE, INC., all Delaware corporations, )	
)	
Defendants. )	

**PLAINTIFFS' REPLY TO MOUNTAIRE'S RESPONSE  
AS REQUESTED IN ORDER OF JULY 3, 2008**

Plaintiffs respectfully submit that Mountaire's Response failed to address key issues raised in the Court's Order of July 3, 2008 for the following reasons:

1. Mountaire's Response does not address the threat that Mr. Brewer made to undersigned counsel wherein he questioned undersigned counsel as to whether undersigned counsel was "prepared for the consequences."

2. Cher Vink ("Ms. Vink") testified at trial on Monday, June 23, 2008 in the morning only. Mountaire's Response is misleading when it said that Ms. Vink was "subpoenaed to appear in a trial in Wisconsin starting Monday, June 23 at 1:00 p.m." Exhibit "1" to Mountaire's Response makes it clear that Ms. Vink was never served with a subpoena but rather received a subpoena by mail.

3. There is no question that the mediation conference was cancelled by Judge Thyng because of the letter from Mr. Brewer on June 19 advising that Ms. Vink was unavailable. Mediation was cancelled approximately three hours following Mr. Brewer's letter to Judge Thyng advising as to the unavailability of Ms. Vink.

4. The Court directed Mr. Brewer to address the use of a "falsehood in order to thwart the good faith efforts of plaintiffs to settle this litigation." Instead, Mountaire's Response was focused upon its position that this case can not be settled without inviting future litigation by the same employees on the same basis. Mountaire's Response did not consider the good faith efforts of Plaintiffs to settle this litigation.

WHEREFORE, Plaintiffs request that sanctions be imposed upon Arthur M. Brewer, Esquire for the reasons set forth herein and for the reasons set forth in Plaintiffs' Motion to Revoke Arthur M. Brewer's Pro Hac Vice Admission.

MARTIN & WILSON, P.A.



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*Attorneys for Plaintiff*

DATED: July 14, 2008

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 16<sup>th</sup> day of July, 2008, a copy of the foregoing Plaintiffs' Reply to Mountaire's Response as Requested in Order of July 3, 2008, was served on the following individuals:

Arthur M. Brewer, Esquire  
Laura Pierson Scheinberg, Esquire  
Shawe & Rosenthal, LLP  
Sun Life Building, 11<sup>th</sup> Floor  
20 South Charles Street  
Baltimore, MD 21201

A handwritten signature in black ink, appearing to read "Jeffrey K. Martin", is written over a horizontal line.

JEFFREY K. MARTIN, ESQUIRE (#2407)